S.B. Civil Writ Petition No.1183/01.
22.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Vijay Soni for petitioner.
Mr. Basant Chhaba, Dy.GA for State.

Heard learned counsel for the parties.

This writ petition has been filed by the petitioner challenging the order dated 19.6.2000 passed by the RTA, Alwar and order dated 26.8.2000 passed by STAT, Rajasthan. The Regional Transport Authority by its order dated 19.6.2000 has refused to renew the permit of the petitioner on the preliminary ground that permit was granted was beyond the scope fixed under the agreement. The permit of the petitioner pertained to an inter State route i.e. Bharatpur to Goverdhan via Jajam Patti which was subject matter of Inter-State Transport

agreement published in Government Gazette dated 29.12.89. The permit was refused to be renewed because the RTA found that primary grant of permit to the petitioner was beyond the scope fixed under the agreement. The petitioner filed an appeal before the STAT. The STAT by its order dated 26.8.2000 rejected the appeal of the petitioner and upheld the order passed by the RTA.

Learned counsel for the petitioner submitted that determination of this scope under the agreement does not operate as an embargo for grant of permits. Referring to Section 88 of the Motor Vehicles Act, which provides that the permit shall not be valid unless it has been counter signed it was submitted that the order of RTA for renewal was illegal in rejecting his application and

the STAT also erred in law while dismissing his appeal.

On the other hand, Shri B.S. Chhaba, the learned Dy. Government Advocate submits that there was no vacancy whatsoever within agreement. The practice of granting permits beyond the scope of agreements has been deprecated by the Hon'ble Supreme Court as well as by this Hon'ble Court in catena of judgments. Initially permit was granted to the petitioner on 9.6.93 upon vehicle No.AZM-4138 on condition that he would get assignment in Rajasthan within six months, but the petitioner did not comply the conditions of permit and on the contrary illegally imprinted the chasis number as mentioned in the registration certificate upon the old vehicle and got assignment from Mathura and obtained bus No.85-A-9459. Learned Dy. Government Advocate referred to the judgment of this Court in Writ Petition No.3313/98 decided on 18.11.98 Zamindera Cooperative Society V/s. State of Rajasthan & Ors. in which this Court has held that permits should

not be granted or renewed, therefore, beyond the scope in the agreement. He submits that renewal of permit was rightly refused.

Having heard the learned counsel for the parties and perused the material on record especially judgment of this Court referred to in the proceeding para, I find that the learned RTA as also the learned STAT have not committed any error of law in passing the impugned orders. I, therefore, do not find any merit in the writ petition. The writ petition is accordingly dismissed.

(Mohammad Rafiq),J.

At/-